

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ESTATE OF THOMAS SMITH, by
Shannon Bryfczynski, Special Administrator

Plaintiff,

Case No. 19-CV-972

v.

ONEIDA COUNTY,
TOWN OF MINOCQUA,
GARY LODUHA, and
STETSON GRANT.

Defendants.

DECLARATION OF GRADY HARTMAN

1. I am an adult resident of the state of Wisconsin. I am the Oneida County Sheriff and have held that position since 2013.

2. I make this declaration on my personal knowledge.

3. In my position within the Oneida County Sheriff's Department (the "Department"), I maintain and review records for to the Department as well at the Oneida County Special Response Team ("SRT"), which is a division within the Department. The records maintained by the Department are kept as part of the ordinary course of business.

4. I reviewed the video from Oneida County Sheriff's Department Squad #7 from April 7, 2017, which was maintained in the Oneida County Sheriff's Department – Evidence Section as part of the ordinary course of business. Squad #7 was parked within the vicinity of 10 Sanns Street in Rhinelander, WI when the SRT responded to the incident at 10 Sanns Street. Squad #7 had contemporaneous audio and visual recording while parked at its location, and the video

from Squad #7 captured the communications over the radio during the incident in real time and with an accurate timestamp.

5. At approximately 8:08:36 p.m. on the video recording, Detective Sergeant Brian Barbour advised that the door at 10 Sanns Street was opening.

6. At approximately 8:10:58 p.m. on the video recording, Detective Sergeant Brian Barbour advised that the suspect was in custody.

7. At approximately 8:12:23 p.m. on the video recording, Detective Sergeant Brian Barbour advised that SRT would be bringing the suspect in custody to medics at the command post.

8. At approximately 8:13:22 p.m. on the video recording, Detective Sergeant Brian Barbour advised that SRT was in route back to the command post.

9. Attached hereto as **Exhibit A** is a true and correct copy of the Memorandum of Understanding (“MOU”) between the Oneida County Sheriff’s Office Special Response Team and the Minocqua Police Department, which was fully executed on September 17, 2015. The MOU is maintained by the Department within the ordinary course of business. The MOU specifically addresses Gary Loduha’s involvement with the Oneida County SRT. At the time the MOU was executed, Loduha was an officer with the Minocqua Police Department.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated this 29th day of October, 2020.

/s/ Grady Hartman
Grady Hartman